

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SANDRA LUBINSKI
3337 Glasgow Drive
Lansing, Michigan 48911

Registered Nurse License No. 466022

Respondent

Case No. 2007-149

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 17, 2008.

IT IS SO ORDERED March 17, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 083047
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8 Attorneys for Complainant

9
10 **BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

13 **SANDRA M. LUBINSKI**
3337 Glasgow Drive
14 Lansing, Michigan 48911

15 Registered Nurse License No. 466022

16 Respondent.

Case No. 2007-149

OAH No. 2007090051

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

17 **IT IS HEREBY STIPULATED AND AGREED** by and between the
18 parties to the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer
21 of the Board of Registered Nursing. She brought this action solely in her official capacity
22 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
23 California, by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Respondent Sandra M. Lubinski (Respondent) is representing herself
25 in this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about May 31, 1991, the Board of Registered Nursing issued
27 Registered Nurse License No. 46602 to Respondent. The registered nurse license expired on
28 August 31, 2002, and has not been renewed.

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1 1. **Obey All Laws.** Respondent shall obey all federal, state and local
2 laws. A full and detailed account of any and all violations of law shall be reported by
3 Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit
4 monitoring of compliance with this condition, Respondent shall submit completed
5 fingerprint forms and fingerprint fees within 45 days of the effective date of the decision,
6 unless previously submitted as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders,
8 including probation or parole, and the order is violated, this shall be deemed a violation of
9 these probation conditions, and may result in the filing of an accusation and/or petition to
10 revoke probation.

11 2. **Comply with the Board's Probation Program.** Respondent shall
12 fully comply with the conditions of the Probation Program established by the Board and
13 cooperate with representatives of the Board in its monitoring and investigation of the
14 Respondent's compliance with the Board's Probation Program. Respondent shall inform the
15 Board in writing within no more than 15 days of any address change and shall at all times
16 maintain an active, current license status with the Board, including during any period of
17 suspension or tolling of probation pursuant to paragraphs 4 and 5 below.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated
22 representatives.

23 4. **Comply With the Arizona State Board of Nursing Consent**
24 **Agreement.** Respondent shall fully comply with the conditions of the Consent Agreement
25 established by the Arizona State Board of Nursing and cooperate with representatives of the
26 California Board of Registered Nursing in its monitoring and investigation of the
27 Respondent's compliance with the Arizona State Board of Nursing. If Respondent violates
28 the conditions of her Consent Agreement with the Arizona State Board of Nursing, the

1 California Board, after giving Respondent notice and an opportunity to be heard, may set
2 aside the stay order and impose the stayed discipline (i.e., revocation) of Respondent's
3 California license.

4 **5. Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a
6 reduction of this probation time period. Respondent's probation is tolled, if and when she
7 resides outside of California. Respondent must provide written notice to the Board within 15
8 days of any change of residency or practice outside the state, and within 30 days prior to re-
9 establishing residency or returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever
11 been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
12 further provide information regarding the status of each license and any changes in such
13 license status during the term of probation. Respondent shall inform the Board if she applies
14 for or obtains a new nursing license during the term of probation.

15 **6. Submit Written Reports.** Respondent, during the period of
16 probation, shall submit or cause to be submitted such written reports/declarations and
17 verification of actions under penalty of perjury, as required by the Board. These
18 reports/declarations shall contain statements relative to Respondent's compliance with all
19 the conditions of the Board's Probation Program. Respondent shall immediately execute all
20 release of information forms as may be required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory
22 agency in every state and territory in which she has a registered nurse license.

23 **7. Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of
25 24 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of
27 registered nursing" may include, when approved by the Board, volunteer work as a
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1 registered nurse, or work in any non-direct patient care position that requires licensure as a
2 registered nurse.

3 The Board may require that advanced practice nurses engage in advanced
4 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as
5 determined by the Board.

6 If Respondent has not complied with this condition during the probationary
7 term, and Respondent has presented sufficient documentation of her good faith efforts to
8 comply with this condition, and if no other conditions have been violated, the Board, in its
9 discretion, may grant an extension of Respondent's probation period up to one year without
10 further hearing in order to comply with this condition. During the one year extension, all
11 original conditions of probation shall apply.

12 8. **Employment Approval and Reporting Requirements.** Respondent
13 shall obtain prior approval from the Board before commencing or continuing any
14 employment, paid or voluntary, as a registered nurse. Respondent shall cause to be
15 submitted to the Board all performance evaluations and other employment related reports as
16 a registered nurse upon request of the Board.

17 Respondent shall provide a copy of this Decision to her employer and
18 immediate supervisors prior to commencement of any nursing or other health care related
19 employment.

20 In addition to the above, Respondent shall notify the Board in writing within
21 seventy-two (72) hours after she obtains any nursing or other health care related
22 employment. Respondent shall notify the Board in writing within seventy-two (72) hours
23 after she is terminated or separated, regardless of cause, from any nursing, or other health
24 care related employment with a full explanation of the circumstances surrounding the
25 termination or separation.

26 9. **Supervision.** Respondent shall obtain prior approval from the Board
27 regarding Respondent's level of supervision and/or collaboration before commencing or
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1 continuing any employment as a registered nurse, or education and training that includes
2 patient care.

3 Respondent shall practice only under the direct supervision of a registered
4 nurse in good standing (no current discipline) with the Board of Registered Nursing, unless
5 alternative methods of supervision and/or collaboration (e.g., with an advanced practice
6 nurse or physician) are approved.

7 Respondent's level of supervision and/or collaboration may include, but is
8 not limited to the following:

9 (a) Maximum - The individual providing supervision and/or collaboration
10 is present in the patient care area or in any other work setting at all times.

11 (b) Moderate - The individual providing supervision and/or collaboration
12 is in the patient care unit or in any other work setting at least half the hours Respondent
13 works.

14 (c) Minimum - The individual providing supervision and/or collaboration
15 has person-to-person communication with Respondent at least twice during each shift
16 worked.

17 (d) Home Health Care - If Respondent is approved to work in the home
18 health care setting, the individual providing supervision and/or collaboration shall have
19 person-to-person communication with Respondent as required by the Board each work day.
20 Respondent shall maintain telephone or other telecommunication contact with the individual
21 providing supervision and/or collaboration as required by the Board during each work day.
22 The individual providing supervision and/or collaboration shall conduct, as required by the
23 Board, periodic, on-site visits to patients' homes visited by Respondent with or without
24 Respondent present.

25 10. **Employment Limitations.** Respondent shall not work for a nurse's
26 registry, in any private duty position as a registered nurse, a temporary nurse placement
27 agency, a traveling nurse, or for an in-house nursing pool.

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1 Respondent shall not work for a licensed home health agency as a visiting
2 nurse unless the registered nursing supervision and other protections for home visits have
3 been approved by the Board. Respondent shall not work in any other registered nursing
4 occupation where home visits are required.

5 Respondent shall not work in any health care setting as a supervisor of
6 registered nurses. The Board may additionally restrict Respondent from supervising
7 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

8 Respondent shall not work as a faculty member in an approved school of
9 nursing or as an instructor in a Board approved continuing education program.

10 Respondent shall work only on a regularly assigned, identified and
11 predetermined work site(s) and shall not work in a float capacity.

12 If Respondent is working or intends to work in excess of 40 hours per week,
13 the Board may request documentation to determine whether there should be restrictions on
14 the hours of work.

15 11. **Complete a Nursing Course(s).** Respondent, at her own expense,
16 shall enroll and successfully complete a course(s) relevant to the practice of registered
17 nursing no later than six months prior to the end of her probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of
20 completion for the above required course(s). The Board shall return the original documents
21 to Respondent after photocopying them for its records.

22 12. **Cost Recovery.** Respondent shall pay to the Board costs associated
23 with its investigation and enforcement pursuant to Business and Professions Code section
24 125.3 in the amount of Three Hundred Ninety Dollars and (\$390.00). Respondent shall be
25 permitted to pay these costs in a payment plan approved by the Board, with payments to be
26 completed no later than three months prior to the end of the probation term.

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1 If Respondent has not complied with this condition during the probationary
2 term, and Respondent has presented sufficient documentation of her good faith efforts to
3 comply with this condition, and if no other conditions have been violated, the Board, in its
4 discretion, may grant an extension of Respondent's probation period up to one year without
5 further hearing in order to comply with this condition. During the one year extension, all
6 original conditions of probation will apply.

7 **13. Violation of Probation.** If Respondent violates the conditions of
8 her probation, the Board, after giving Respondent notice and an opportunity to be heard,
9 may set aside the stay order and impose the stayed discipline (revocation/suspension) of
10 Respondent's license.

11 If, during the period of probation, an accusation or petition to revoke
12 probation has been filed against Respondent's license or the Attorney General's Office has
13 been requested to prepare an accusation or petition to revoke probation against Respondent's
14 license, the probationary period shall automatically be extended and shall not expire until
15 the accusation or petition has been acted upon by the Board.

16 **14. License Surrender.** During Respondent's term of probation, if she
17 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
18 conditions of probation, Respondent may surrender her license to the Board. The Board
19 reserves the right to evaluate Respondent's request and to exercise its discretion whether to
20 grant the request, or to take any other action deemed appropriate and reasonable under the
21 circumstances, without further hearing. Upon formal acceptance of the tendered license and
22 wall certificate, Respondent will no longer be subject to the conditions of probation.

23 Surrender of Respondent's license shall be considered a disciplinary action
24 and shall become a part of Respondent's license history with the Board. A registered nurse
25 whose license has been surrendered may petition the Board for reinstatement no sooner than
26 the following minimum periods from the effective date of the disciplinary decision:

27 (1) Two years for reinstatement of a license that was surrendered for any
28 reason other than a mental or physical illness; or

1 (2) One year for a license surrendered for a mental or physical illness.

2 15. **Physical Examination.** Within 45 days of the effective date of this
3 decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
4 physician assistant, who is approved by the Board before the assessment is performed,
5 submit an assessment of the Respondent's physical condition and capability to perform the
6 duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to
7 the Board. If medically determined, a recommended treatment program will be instituted
8 and followed by the Respondent with the physician, nurse practitioner, or physician assistant
9 providing written reports to the Board on forms provided by the Board.

10 If Respondent is determined to be unable to practice safely as a registered
11 nurse, the licensed physician, nurse practitioner, or physician assistant making this
12 determination shall immediately notify the Board and Respondent by telephone, and the
13 Board shall request that the Attorney General's Office prepare an accusation or petition to
14 revoke probation. Respondent shall immediately cease practice and shall not resume
15 practice until notified by the Board. During this period of suspension, Respondent shall not
16 engage in any practice for which a license issued by the Board is required until the Board
17 has notified Respondent that a medical determination permits Respondent to resume
18 practice. This period of suspension will not apply to the reduction of this probationary time
19 period.

20 If the Respondent fails to have the above assessment submitted to the Board
21 within the 45-day requirement, Respondent shall immediately cease practice and shall not
22 resume practice until notified by the Board. This period of suspension will not apply to the
23 reduction of this probationary time period. The Board may waive or postpone this
24 suspension only if significant, documented evidence of mitigation is provided. Such
25 evidence must establish good faith efforts by the Respondent to obtain the assessment, and a
26 specific date for compliance must be provided. Only one such waiver or extension may be
27 permitted.

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1 16. **Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the
3 probationary period or shall have successfully completed prior to commencement of
4 probation a Board-approved treatment/rehabilitation program of at least six months duration.
5 As required, reports shall be submitted by the program on forms provided by the Board. If
6 Respondent has not completed a Board-approved treatment/rehabilitation program prior to
7 commencement of probation, Respondent, within 45 days from the effective date of the
8 decision, shall be enrolled in a program. If a program is not successfully completed within
9 the first nine months of probation, the Board shall consider Respondent in violation of
10 probation.

11 Based on Board recommendation, each week Respondent shall be required to
12 attend at least one, but no more than five 12-Step recovery meetings or equivalent (e.g.,
13 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved
14 and directed by the Board. If a nurse support group is not available, an additional 12-Step
15 meeting or equivalent shall be added. Respondent shall submit dated and signed
16 documentation confirming such attendance to the Board during the entire period of
17 probation. Respondent shall continue with the recovery plan recommended by the
18 treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing
19 recovery groups.

20 17. **Abstain From Use of Psychotropic (Mood-Altering) Drugs.**
21 Respondent shall completely abstain from the possession, injection or consumption by any
22 route of all psychotropic (mood-altering) drugs, including alcohol, except when the same are
23 ordered by a health care professional legally authorized to do so as part of documented
24 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen
25 (14) days, by the prescribing health professional, a report identifying the medication, dosage,
26 the date the medication was prescribed, the Respondent's prognosis, the date the medication
27 will no longer be required, and the effect on the recovery plan, if appropriate.

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Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

18. **Submit to Tests and Samples.** Respondent, as her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke

1 probation or the accusation. This period of suspension will not apply to the reduction of this
2 probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug
4 screening program within the specified time frame, the Respondent shall immediately cease
5 practice and shall not resume practice until notified by the Board. After taking into account
6 documented evidence of mitigation, if the Board files a petition to revoke probation or an
7 accusation, the Board may suspend Respondent from practice pending the final decision on
8 the petition to revoke probation or the accusation. This period of suspension will not apply
9 to the reduction of this probationary time period.

10 19. **Mental Health Examination.** The Respondent shall, within 45 days
11 of the effective date of this decision, have a mental health examination including
12 psychological testing as appropriate to determine her capability to perform the duties of a
13 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
14 licensed mental health practitioner approved by the Board. The examining mental health
15 practitioner will submit a written report of that assessment and recommendations to the
16 Board. All costs are the responsibility of the Respondent. Recommendations for treatment,
17 therapy or counseling made as a result of the mental health examination will be instituted
18 and followed by the Respondent.

19 If Respondent is determined to be unable to practice safely as a registered
20 nurse, the licensed mental health care practitioner making this determination shall
21 immediately notify the Board and Respondent by telephone, and the Board shall request that
22 the Attorney General's Office prepare an accusation or petition to revoke probation.
23 Respondent shall immediately cease practice and may not resume practice until notified by
24 the Board. During this period of suspension, Respondent shall not engage in any practice
25 for which a license issued by the Board is required, until the Board has notified Respondent
26 that a mental health determination permits Respondent to resume practice. This period of
27 suspension will not apply to the reduction of this probationary time period.

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1 If the Respondent fails to have the above assessment submitted to the Board
2 within the 45-day requirement, Respondent shall immediately cease practice and shall not
3 resume practice until notified by the Board. This period of suspension will not apply to the
4 reduction of this probationary time period. The Board may waive or postpone this
5 suspension only if significant, documented evidence of mitigation is provided. Such
6 evidence must establish good faith efforts by the Respondent to obtain the assessment, and a
7 specific date for compliance must be provided. Only one such waiver or extension may be
8 permitted.

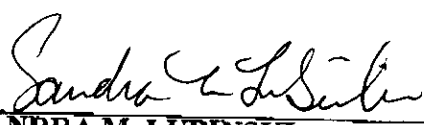
9 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
10 participate in an on-going counseling program until such time as the Board releases her from
11 this requirement and only upon the recommendation of the counselor. Written progress
12 reports from the counselor will be required at various intervals.

13 **ACCEPTANCE**

14 I am aware of my right to retain private counsel at my own expense. I have
15 chosen to represent myself in these proceedings.

16 I have carefully read the above Stipulated Settlement and Disciplinary Order.
17 I understand the stipulation and the effect it will have on my Registered Nurse License. I
18 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
19 intelligently, and agree to be bound by the Decision and Order of the Board of Registered
20 Nursing.

21 DATED: 11/15/07

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23 **SANDRA M. LUBINSKI**
24 Respondent

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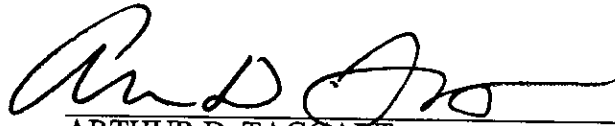
1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby
3 respectfully submitted for consideration by the Board of Registered Nursing of the
4 Department of Consumer Affairs.

5 DATED: 12/27/07

6 EDMUND G. BROWN JR., Attorney General
7 of the State of California

8 ALFREDO TERRAZAS
9 Senior Assistant Attorney General

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11 ARTHUR D. TAGGART
12 Supervising Deputy Attorney General

13 Attorneys for Complainant

14 Matter ID: 03579110SA2006101650
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Exhibit A

Accusation No. 2007-149

BILL LOCKYER, Attorney General
of the State of California
ALFREDO TERRAZAS
Senior Assistant Attorney General
ARTHUR D. TAGGART, State Bar No. 83047
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-149

SANDRA M. LUBINSKI
3337 Glasgow Drive
Lansing, MI 48911

A C C U S A T I O N

Registered Nurse License No. 466022

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

Registered Nurse License

2. On or about May 31, 1991, the Board of Registered Nursing issued Registered Nurse License Number 466022 to Sandra M. Lubinski ("Respondent"). The registered nurse license expired on August 31, 2002, and has not been renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the
12 following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any other
14 disciplinary action against a health care professional license or certificate by
15 another state or territory of the United States, by any other government agency, or
16 by another California health care professional licensing board. A certified copy of
17 the decision or judgment shall be conclusive evidence of that action.

18 COST RECOVERY

19 6. Code section 125.3 provides, in pertinent part, that the Board may request
20 the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 CAUSE FOR DISCIPLINE

24 (Out-of-State Discipline)

25 7. Respondent is subject to disciplinary action under Code section 2761,
26 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
27 by The Arizona State Board of Nursing ("Board"). Effective January 17, 2006, pursuant to the
28 Consent Agreement and Order in Case No. 0411052 filed by the Board, Respondent's Arizona
Professional Nurse License No. RN116696 was placed on probation for a period of three (3)
years with terms and conditions. A copy of said Consent Agreement and Order is attached hereto
as **Exhibit "A"** and incorporated herein. The basis for discipline is that in or about September

1 and October 2004, while on duty as a registered nurse at Western Arizona Regional Medical
2 Center, Respondent withdrew excessive amounts of controlled substances with/or without
3 physician's orders, failed to document all medication administrations, and did not document
4 wasting controlled substances according to hospital policy.


5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 466022, issued
9 to Sandra M. Lubinski;
- 10 2. Ordering Sandra M. Lubinski to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,
- 13 3. Taking such other and further action as deemed necessary and proper.
- 14

15 DATED: 11/30/06

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RUTH ANN TERRY, M.P.H.;-R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Janet Napolitano
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

1651 East Morten, Suite 210
Phoenix, AZ 85020-4613
Phone (602) 889-5150 Fax (602) 889-5155
E-Mail: arizona@azbn.org
Home Page: <http://www.azboardofnursing.org>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **SANDRA MARIE LUBINSKI**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 1651 E. Morten Avenue, Suite 210, Phoenix, Arizona 85020 on January 19, 2006.

SEAL

A handwritten signature in black ink that reads "Joey Ridenour".

Joey Ridenour, R.N., M.N.
Executive Director

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL)
NURSE LICENSE NO.: RN116696)
ISSUED TO:)
SANDRA MARIE LUBSINSKI)
RESPONDENT)

**CONSENT AGREEMENT
AND
ORDER NO. 0411052**

CONSENT AGREEMENT

A complaint charging Sandra Marie Lubinski ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN116696.
2. Respondent was employed by Western Arizona Regional Medical Center (WARMC) from on or about November 11, 2002, to on or about October 26, 2004.
3. From September 2004 to October 2004, WARMC Nursing, Pharmacy, and Risk Management staff conducted an investigation that alleged Respondent withdrew excessive amounts of controlled drugs and/or without physician orders, did not document all medication administrations, and did not document wasting controlled drugs according to WARMC policy. On or about October 11, 2004, Respondent received a written warning for improper

documentation of Demerol, changing a medication order, withdrawing medications prior to receiving a physician's order and/or documenting verbal orders, failing to document administration of medications, and giving medications to other nurses' patients without notification. Respondent's employment was terminated on October 26, 2004.

4. Upon reviewing six medical records selected during WARMC's investigation for patients admitted to WARMC's Emergency Department on October 6, 2004, Board staff found three records where Respondent failed to properly document Demerol doses withdrawn from the Pyxis machine. In one record, Respondent altered a physician's order for Demerol, another record morphine sulfate was ordered but Respondent withdrew Demerol, and a third record where Respondent withdrew morphine sulfate without a physician's order and failed to document its administration in the medical record.

5. In interviews on February 8, 2005, July 20, 2005, and August 5, 2005, Respondent denied diverting controlled medications for personal or others' use. Respondent acknowledged withdrawing medications prior to receiving a physician's order and failing to document all medications administered. Respondent attributed these practices to WARMC's busy, chaotic Emergency Department.

6. On August 5, 2005, Respondent submitted a Board-requested random urine drug screen that returned positive for benzodiazepines, opiates, and barbiturates. Respondent declared valid prescriptions or authorization for all the medications as obtained from her treating physician and significant other, Dr. Don Wagner.

7. Between September 7, 2005, and October 3, 2005, Buffy T. Wooten, Ph.D, performed testing and a psychological and chemical dependency evaluation, and opined Respondent demonstrated poor judgment with regard to personal and professional boundaries,

pharmacy profiles suggesting excessive use of medication for pain management, and problems documenting medication administration. Dr. Wooten recommended a minimum of 12 months of random drug screens and prescription verification, clinical supervision during drug access, obtaining an independent prescribing physician, and individual counseling.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 and A.A.C. R4-19-403 (5), (6), (14), and (25).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 28 of the Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

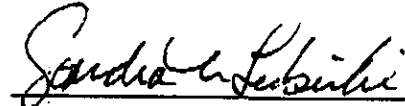
Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.


signature page

sign and date
return in enclosed
envelope


Respondent's Name

Dated: 1-17-06

ARIZONA STATE BOARD OF NURSING


Jocely Ridenour, R.N., M.N.
Executive Director

Dated: November 17, 2005

Midki77/Lubinski RN116696

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of this Order and waiver of public hearing is accepted.

B. Respondent's license is placed on probation for **thirty-six months**. Prior to termination of probation, Respondent shall work as a professional nurse for a minimum of twelve months, (not less than sixteen hours a week).

C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

D. If Respondent is noncompliant with any of the terms of the Order during the 36-month probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. The probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "**PROBATION.**" While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

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2. Chemical Dependency and Psychological Evaluation by an Addictionologist

Within thirty days of the effective date of this Order, Respondent shall make an appointment to undergo a psychological and chemical dependency evaluation by a Board approved Addictionologist, M.D., who is certified by the American Society of Addiction Medicine (ASAM) and credentialed in psychiatry. The Board will be responsible for the cost of this evaluation. Respondent shall immediately execute release of information form(s) to allow the evaluator to communicate information with the Board or its designee. Prior to the evaluation, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Facts and Conclusion of Law, medical and counseling records from all treating physicians/providers for the past five years, urine drug screen results, to the evaluator who shall verify receipt of the Consent Agreement and Order to include Finding of Facts and Conclusion of Law in a written report on letterhead to the Board. Respondent shall direct the evaluator to provide a report to the Board summarizing the evaluation within thirty days after the completed appointment for the evaluation.

The report shall include a history of chemical use, past and present treatment and/or recovery activities, results of any testing, pertinent laboratory tests, a physical examination which shall include but is not limited to the presence of needle puncture marks, thrombophlebitis, abscesses or ulcers, ulcerations or perforations of the nasal septum, cigarette burns or scars from old burns, pylori erection, cheilosis, contact dermatitis, jaundice and oral mononilia infection. The report shall also include any recommendations or treatment and an assessment as to Respondent's ability to function safely in nursing based on Respondents recovery status.

Respondent must satisfactorily complete any and all recommendations made of the evaluator. If treatment or therapy is recommended Respondent shall, within seven days of notification of the recommendation(s), provide to the Board or its designee for prior approval the name and qualifications of treatment facilities and or therapists of Respondent's choice.

Respondent shall within thirty days of the Board's receipt of the evaluator's report, initiate all treatment and or therapy activities. The Board reserves the right to amend the Order based upon the recommendation(s) of the evaluator.

3. Rehabilitation Program

If recommended by the evaluator and within seven days of the Board receiving notification, Respondent shall enter a chemical dependency rehabilitation program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry. The Program shall also notify the Board as to Respondent's participation and progress in, and discharge or termination from the program. At the completion of the program, Respondent shall cause the program director to provide the Board with documentation concerning Respondent's completion of the program and recommendations and arrangements for appropriate follow-up treatment.

4. Aftercare Program

If Rehabilitation is recommended by the evaluator and/or within seven days of the completion of the rehabilitation program, Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory

participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, for the remainder of the probationary period or until completion of the aftercare program.

5. Psychological Counseling

Within thirty days of the effective date of this Order, Respondent shall submit to the Board for approval the name of a treatment professional of Respondent's choice to conduct psychological counseling. The treating provider should be knowledgeable of addiction issues and have at minimum a Ph.D. Within seven days of receipt of approval from the Board Respondent shall make an appointment to begin participation in treatment. Respondent shall execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s). Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Respondent shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

6. Medical and Pain Management

Within 30 days of the effective date of this Order, Respondent shall submit to the Board for approval the name of a treatment professional of Respondent's choice to conduct

medical and pain management treatment. Within 7 days of receipt of approval from the Board, Respondent shall make an appointment to begin participation in treatment. Respondent shall immediately execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s). Within 7 days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the Consent Agreement. Thereafter, Respondent shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

7. Nurse Recovery Group

If found to be chemically dependent, in need of substance abuse treatment or otherwise recommended by the evaluator, within seven days of completing a Rehabilitation program, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

8. Participation in AA/NA

If found to be chemically dependent, in need of treatment, or otherwise recommended by the evaluator,

(a) Within seven days of the effective date of this Order, and throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due by the end of the first month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Respondent shall obtain a temporary sponsor, if participating in a twelve-step program, within thirty days of the effective date of this Order and a permanent sponsor within sixty to ninety days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.

9. Drug Testing

Within 7 days of the effective date of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test

has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board.

10. One Medical Provider

Within thirty days of the effective date of this Order, Respondent shall submit to the Board for approval the name of one treatment professional of Respondent's choice to conduct medical treatment for Respondent. Within seven days of receipt of approval from the Board Respondent shall make an appointment to begin participation in treatment. Respondent shall immediately execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s).

Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Respondent shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

11. Pharmacy Profiles

Throughout the duration of this Order, Respondent shall use only one pharmacy from which to obtain her prescriptions. Within 30 days of the effective date of the Consent Agreement, Respondent shall submit in writing to the Board the name of every pharmacy and/or facility from which Respondent is currently obtaining prescription medications,

and shall submit the name of the pharmacy from which she chooses to obtain future prescriptions. Throughout the duration of the Order, Respondent must inform the Board in writing within 7 days of any additions or changes in pharmacies from which Respondent obtains medications. Respondent shall submit a copy of all pharmacy profiles to the Board on a quarterly basis according to the assigned reporting due dates, and upon request from the Board or its designee. The first report shall be due on the first quarterly due date after the effective date of this Order.

12. Abstain From Unauthorized Drug Use/Proof of Prescription

Respondent shall abstain completely from the personal use or possession of controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized by Respondent. Respondent shall immediately submit to that provider a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and shall execute all release of information form(s) as required by the Board or its designee. The medical provider shall, within one week of the effective date of the consent agreement, inform the Board, in writing, of knowledge of Respondent's Order and provide a list of medications prescribed for Respondent. DURING THE DURATION OF THE CONSENT AGREEMENT, RESPONDENT SHALL CAUSE ALL PROVIDERS TO NOTIFY THE BOARD OF ANY ADDITIONAL MEDICATIONS ORDERED BY THE PROVIDER. THE

NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a narcotic or mood-altering drug, Respondent shall cause her prescribing provider to submit monthly reports to the Board by the 30th day of each month regarding the continued need for the prescribed narcotic or mood-altering medications. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

13. Ethical Aspects of Nursing

Within thirty days from the effective date of this Order, Respondent shall make an appointment to undergo a nursing ethics course or begin nursing ethics counseling by a Board-approved treatment professional. If Respondent chooses to fulfill this stipulation by participation in counseling, Respondent shall execute the appropriate release of information form(s) to allow the counselor to communicate information to the Board or its designee, and to allow the Board Staff to release to the evaluator copies of Respondent's evaluation results from the addictionologist. Prior to beginning the ethics course or counseling, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the counselor or course director. Respondent shall cause the course director or counselor to notify the Board in writing within thirty days of entry into the course or therapy, and to verify in that same letter receipt of the Consent Agreement and Order to include Findings of Fact.

Respondent shall undergo and continue treatment or course attendance until the course director or treatment professional determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary or the course has been

successfully completed by the Respondent. During the duration of the course of counseling Respondent shall have the treatment professional or course director provide written reports to the Board every three months. The Board reserves the right to amend this Order based on the recommendations of the course director or treatment professional.

14. Notification of Practice Settings

Respondent shall provide to any current employer, a copy of this consent agreement within three (3) days, and shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order, and the employer's ability to comply with the conditions of probation. Thereafter, any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

15. Practice without On-Site Supervision

While employed at Bullhead City Urgent Care Center as an office manager and RN, Respondent may work without the presence of a professional nurse in the building as

long as the following conditions are met: A professional nurse supervisor in good standing with Board shall make at least one on-site visit within ten days of the date of this Order, at least one random on-site visit with Respondent every month, and at least one random phone call per week to Respondent. The supervising nurse shall have read the Respondent's Consent Agreement and Order to include Findings of Fact and Conclusions of Law. Respondent shall direct the supervising nurse to submit **monthly** performance evaluations for the first six months of probation. These evaluations must include the date and time of the random visits and calls and evaluation findings. If after six months Respondent has demonstrated satisfactory practice as documented in the evaluations, the supervising nurse shall submit quarterly reports according to reporting due date schedule. If the Respondent becomes employed by any other agency, the following On-Site Supervision becomes effective.

16. Practice Under On-Site Supervision

On-site supervision is defined as having a professional nurse present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of

Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

17. Evaluation Reports

As stated in Paragraph 15 of the Order, during the first six months of employment at Bullhead Urgent Care Center, Respondent shall cause supervising nurse to submit monthly evaluation reports. After six months, Respondent shall cause supervising nurse to submit quarterly evaluation reports according to the reporting due date schedule.

For locations other than Bullhead Urgent Care Center, and within 7 days of each assigned quarterly reporting due date, if Respondent is working in any position which requires RN licensure Respondent shall cause every employer Respondent has worked for during the quarter to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due on the first assigned quarterly report due date after the effective date of the Order. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which required RN licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the Board-approved form. Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

18. Access to Drugs

Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Nubain and Stadol

medications, at least during the first six months of the probationary status. Upon evidence of full compliance with the probationary terms, the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substances.

19. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

20. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

21. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

22. Release of Information Forms

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

23. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

24. Renewal of License

In the event the Respondent's professional nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

25. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

26. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil moving traffic violations are excluded.

27. Costs

With the exception of the initial addictionologist evaluation, Respondent shall bear all costs of complying with this Order. The Board will bear the cost of the evaluation.

28. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order

after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

29. Voluntary Surrender of License

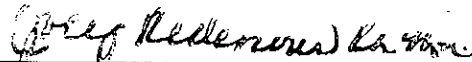
Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

30. Completion of Probation

When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group, if required during this Order, will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N.
Executive Director

Dated: November 17, 2005

JR/pm:eg

COPY mailed this 19th day of January, 2006, by First Class Mail to:

Sandra Marie Lubsinski
830 Campbell Road
Bullhead City, Arizona 86429

By: Trina Smith
Legal Secretary